IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Bail Appl..No. 761 of 2007()

(CRIME NO.2 OF 2007 OF NILAMBUR EXCISE RANGE)

PETITIONER/ACCUSED:

VIJAYAN, S/O. DAMODHARAN,
PULLANCHARI VEEDU, PUTHIYAKALAM,
COOLIPOYIL, AMARAMBALAM, NILAMBUR TALUK.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS/(COMPLAINANT AND STATE)

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1. EXCISE INSPECTOR,
   NILAMBUR EXCISE RANGE, NILAMBUR.

2. STATE OF KERALA - REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI JAI GORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/02/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 761 OF 2007

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DATED THIS THE 9th DAY OF FEBRUARY, 2007

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioner who is the accused in Crime No.2/07 of Nilambur Excise Range for offences punishable under Sections 8(1) of the Abkari Act for having been found in possession of five litres of illicit arrack, seeks his enlargement on bail. The petitioner was arrested on 19.1.2007.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner with effect from 19.2.2007. Accordingly, the petitioner is directed to be released on bail with effect from 19.2.2007 on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Nilambur and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn